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5 CARSON INDUSTRIES, INC.,
6 Plaintiff,
7 v.
8
9 AMERICAN TECHNOLOGY
10 NETWORK, CORP.,
11 Defendant.
12

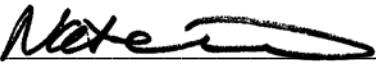
Case No. [14-cv-01769-NC](#)
**ORDER TO SHOW CAUSE WHY
CARSON'S SUPPLEMENTAL
MOTION FOR SUMMARY
JUDGMENT SHOULD NOT BE
GRANTED AND ATN'S EVIDENCE
EXCLUDED**
Dkt. Nos. 111, 116

13 By its order on October 9, 2015, this Court set a briefing schedule on a
14 supplemental motion for summary judgment by plaintiff Carson. Dkt. No. 111. Carson
15 filed its motion as scheduled. Dkt. No. 116. ATN's opposition was due October 23. To
16 date, ATN has not filed a response, a statement of non-opposition, or a motion requesting
17 leave to modify the schedule. If ATN does not respond by tomorrow, October 28, it is
18 forewarned that the Court may grant Carson's motion.

19 In the same order, the Court required ATN to identify by October 23 the evidence
20 (expected witness testimony and proposed trial exhibits) that supports the proposition that
21 it returned 419 (rather than 327) goggle units to Carson. Again, no response has been
22 filed. If ATN does not respond by tomorrow, October 28, it is forewarned that the Court
23 may exclude ATN's evidence.

24 **IT IS SO ORDERED.**

25
26 Dated: October 27, 2015


27 NATHANAEL M. COUSINS
28 United States Magistrate Judge

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